

Forest Certification Work Instruction**Date of Draft Document:****Effective Date:** 5-5-09**Revision Number:** 1**Supersedes Version Dated:** June 20, 2005

Work Instruction Title: 9.1 Collaboration with Tribes in Regard to Management of State Forest Land**Work Area Group:** 9 – Tribal Issues

Purpose: To define interaction and collaboration with federally recognized Michigan tribes in regard to management of State Forest Lands. Identify and protect sites of special cultural, ecological, economic, or religious significance to indigenous peoples on State Forest Lands.

Work Instruction:

1. The DNR Director will appoint a statewide coordinator for tribal issues. Division coordinators in FMFM, Wildlife, Fisheries, and Law Enforcement Divisions will be appointed by the DNR Division Chiefs to track tribal issues related to their respective Divisions and to ensure compliance with existing policy, procedures, and/or work instructions for purposes of compartment and regional planning efforts.
2. Tribal contacts and involvement in tactical forest land management activities:
 - a. MDNR will seek a description of traditional geographic areas of interest for each of the federally recognized Michigan Tribes.
 - b. The 12 federally recognized Michigan Tribes will be invited to DNR FMU open houses, and will be notified of Compartment Reviews. FMFM Unit Managers will be responsible for appropriate written notifications.
 - c. The 12 federally recognized Michigan Tribes will be invited to participate in statewide and ecoregional public planning events.
 - d. Tribal Historic Preservation Officers (THPO) shall be notified of Department undertakings involving a federal interest that may affect tribal archeological sites or tribal cultural property. Designated Division Coordinators are charged to ensure this occurs in their respective divisions.
 - e. The Office of the State Archeologist (OSA) shall be notified of all Compartment Review plans and of other Department undertakings that may affect tribal sites of historical significance. Prior to initiating active management activities, DNR management staff shall check the Department of History, Arts and Libraries (HAL) electronic database to determine if locations involve sites of historical significance such as tribal religious, cultural or historical sites. HAL maintains an extensive and regularly updated inventory of such sites. Sites of known historic or archaeological significance should be treated in accordance with recommendations of the Department of State's Michigan Historical Center.
 - f. Statewide Meetings will be held with the 12 federally recognized Michigan tribes to identify and discuss issues of common interest. The statewide coordinator for tribal issues will schedule and facilitate the meetings. At least one meeting per year shall be scheduled and will be attended by appropriate persons from all Divisions involved with state land management.
 - g. Stand examiners must check the DNR archeological GIS data layer.

3. Confidentiality of Tribal Information:

Sites of archeological, cultural, or other interest related to Michigan tribes shall be considered confidential and shall not be made public. Sites of archeological, historic, or traditional interests are exempted from the Freedom of Information Act. The Department will maintain confidentiality.

4. Tribal Treaties:

Tribally owned land in reservation or trust status is considered sovereign territory, and the State of Michigan does not exercise any authority or control over such land. This issue is controlled by Federal law, and Michigan DNR has no policy, procedure or order pertaining to this issue.

2007 Inland Consent Decree: The decree provides specific requirements in regard to gathering rights, temporary structures, and access to state forest lands within a geographically defined treaty area. Gathering plant materials and other natural resources on State lands for personal, medicinal, cultural, or traditional craft use may be authorized (i.e. the Tribes may authorize their members). They shall not be used for commercial purposes except as specifically provided for in the decree. The State and the Tribes shall seek to avoid user conflict and other resource concerns arising from certain gathering activities on State lands through a consultative process involving the local offices of the MDNR and the Tribes. The MDNR shall notify and consult with the Tribes before permanently closing an approved access road or trail. In the event that the MDNR establishes a program for seasonal closures of approved access roads or trails, the MDNR shall notify and consult with the Tribes before implementing any such seasonal closure.

Scope: (All State Forest Land and Affected Divisions): ☒ State Forest Land ☐ Other: _____

☒ DNR – FMFM ☒ DNR – Wildlife ☒ DNR – Fish ☒ DNR – Law ☐ DNR – Parks

Responsibility and Role: (Staff who will implement or supervise this instruction)

Job Title/Division	Role
Statewide Coordinator for tribal issues / DNR	Conduct annual meeting with Michigan tribes. Coordinate tribal issues among DNR Divisions. Seek a description of traditional geographic areas of interest for each of the federally recognized tribes.
Unit Manager / FMFM	Establish local communications with tribal point-of-contact. Notify SHPO of management activities that could impact sites of tribal interest. Issue local use permits.
Division Coordinator for Tribal Issues / FMFM, LED, WLD, FSHD	Track tribal issues related to their Division. Attend annual meeting with tribes. Notify THPO of Department undertakings involving federal funds that may affect tribal archeological sites or tribal cultural property.
Forest Planning and Operations Unit Manager / FMFM	Ensure tribes are notified and invited to participate in statewide and ecoregional public planning efforts.
Division Chief / FMFM, WLD, FSH, LED	Appoint Division coordinators for tribal issues
District Manager / FMFM	Ensure the tribes are notified and included in ecoregional public planning efforts.
FMFM Division Coordinator for Tribal Issues	Inform tribal representatives of open house and compartment reviews. Inform tribes of locations of upcoming year-of-entry compartments prior to start of field inventory by DNR staff.

Training/Skills: (Those required to accomplish work instruction)

Item	Brief Description of Skill or Course	Exists/ New
Tribal values	Instruction and information about tribal cultural and natural resource values	<input type="checkbox"/> E <input checked="" type="checkbox"/> N

References:

- Eight primary Indian Treaties and related court decisions,
- OI Field Manual Chapter 7, FMFM policy and procedure #251, Section j.
- State Forest Resource Assessment Procedure Information Circular 4123
- 2007 Inland Consent Decree

Monitoring:

- Internal Audit

Records:

- Treaty maps maintained by the DNR Statewide Coordinator for Tribal Issues
 - Geographical areas of interest for the tribes maintained by the FMFM Division Coordinator
 - Tribal points of contacts maintained by the DNR Statewide Coordinator for Tribal Issues
 - Land Use permit issue record maintained by Unit Managers
 - OI open house and compartment review contact records maintained by Unit Managers
 - State forest planning participation records will be maintained by District and Lansing Planning Specialists
 - Cultural heritage records maintained in locked comments in OI records
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